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**From:** Kreider, Andrew [Kreider.Andrew@epa.gov]  
**Sent:** 1/29/2021 8:53:11 PM  
**To:** Esher, Diana [Esher.Diana@epa.gov]  
**Subject:** FW: Comment Letter on MD MS4 NPDES Permits (CCWC)

Diana,

I think – based on this additional correspondence (which I just read, after combing through my emails) – we might want to clarify for all involved that these permit comments/letters are **\*not\*** controls (as you and I discussed this morning, and as Cathy L has pointed out).

I've got a call with Chad on Monday and will mention this to him.

Andrew Kreider  
U.S. EPA Region 3  
1650 Arch Street  
Philadelphia, PA 19103  
215-814-3301  
[kreider.andrew@epa.gov](mailto:kreider.andrew@epa.gov)

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**From:** Bain, Andrea <Bain.Andrea@epa.gov>  
**Sent:** Tuesday, January 26, 2021 3:42 PM  
**To:** Kreider, Andrew <Kreider.Andrew@epa.gov>  
**Subject:** FW: Comment Letter on MD MS4 NPDES Permits (CCWC)

FYI, I will have to read up on how to make this a controlled response unless Maggie has taken the lead on it. But just so you are aware.

*Andrea Bain*

Special Assistant to the Regional Administrator  
U.S. EPA Region 3  
1650 Arch Street (3RA00)  
Philadelphia, PA 19103  
Phone: 215-814-3292

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**From:** Nitsch, Chad <Nitsch.Chad@epa.gov>  
**Sent:** Tuesday, January 26, 2021 2:47 PM  
**To:** Bain, Andrea <Bain.Andrea@epa.gov>  
**Cc:** Jones, Satrina <[jones.satrina@epa.gov](mailto:jones.satrina@epa.gov)>; Gomez, Magdalin <[Gomez.Magdalin@epa.gov](mailto:Gomez.Magdalin@epa.gov)>  
**Subject:** RE: Comment Letter on MD MS4 NPDES Permits (CCWC)

Andrea,

Generally, if it's an elected/appointed official (federal, state or local) or requires signature by the RA/DRA, it should be controlled. Anything else, is handled on a case-by-case basis with the recipient making the determination to control. Because this is a hot topic (MS4s), I recommend we enter as a controlled correspondence.

Here is the intranet site that explains the process of CMS and controls. <http://intranet.epa.gov/r3intran/ControlledCorrespondence/index.html>

Thanks,

Chad Nitsch  
Director, Office of Public Affairs  
US Environmental Protection Agency – Region 3 (Mid-Atlantic: WV, VA, PA, MD, DE, DC, and 7 federally recognized tribes)  
215-814-5434

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**From:** Bain, Andrea <[Bain.Andrea@epa.gov](mailto:Bain.Andrea@epa.gov)>  
**Sent:** Tuesday, January 26, 2021 7:38 AM  
**To:** Nitsch, Chad <[Nitsch.Chad@epa.gov](mailto:Nitsch.Chad@epa.gov)>  
**Cc:** Jones, Satrina <[jones.satrina@epa.gov](mailto:jones.satrina@epa.gov)>  
**Subject:** FW: Comment Letter on MD MS4 NPDES Permits (CCWC)

Hi Chad,

I believe that WD/CBPO are formulating a response but does this fall under the category of controlled correspondence?

*Andrea Bain*

Special Assistant to the Regional Administrator  
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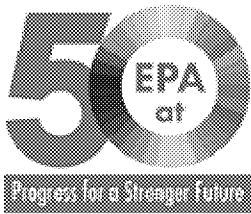
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**From:** Rose, Kenneth <[Rose.Kenneth@epa.gov](mailto:Rose.Kenneth@epa.gov)> **On Behalf Of** Esher, Diana  
**Sent:** Thursday, January 21, 2021 4:59 PM  
**To:** R3 Front Office <[R3\\_Front\\_Office@epa.gov](mailto:R3_Front_Office@epa.gov)>  
**Cc:** Bain, Andrea <[Bain.Andrea@epa.gov](mailto:Bain.Andrea@epa.gov)>  
**Subject:** FW: Comment Letter on MD MS4 NPDES Permits (CCWC)

This may be a control correspondence for Bay/WD response.

Ken

Kenneth I Rose III  
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**From:** Ben Alexandro <[balexandro@mdlcv.org](mailto:balexandro@mdlcv.org)>

**Sent:** Thursday, January 21, 2021 2:31 PM

**To:** Aunkst, Dana <[aunkst.dana@epa.gov](mailto:aunkst.dana@epa.gov)>; Esher, Diana <[Esher.Diana@epa.gov](mailto:Esher.Diana@epa.gov)>; Libertz, Catherine <[Libertz.Catherine@epa.gov](mailto:Libertz.Catherine@epa.gov)>; Jenkins, Bill <[jenkins.bill@epa.gov](mailto:jenkins.bill@epa.gov)>; Bisland, Carin <[bisland.carin@epa.gov](mailto:bisland.carin@epa.gov)>

**Cc:** Peter Marx <[peter@choosecleanwater.org](mailto:peter@choosecleanwater.org)>; Kristin Reilly <[ReillyK@nwf.org](mailto:ReillyK@nwf.org)>; Kim Coble <[kcoble@mdlcv.org](mailto:kcoble@mdlcv.org)>

**Subject:** Comment Letter on MD MS4 NPDES Permits (CCWC)

Good afternoon Deputy Regional Administrator Diana Esher, Director Catherine Libertz, Director Dana Aunkst, Deputy Director Bill Jenkins, and Branch Chief Carin Bisland,

Attached is the comment letter on behalf of the undersigned members of the Choose Clean Water Coalition we submitted to the Maryland Department of the Environment. The attached letter provides detailed comments on the tentative determination to issue a National Pollutant Discharge Elimination System permit to Anne Arundel County (Discharge Permit No. 20-DP-3316, NPDES No. MD0068306), tentative determination to issue a National Pollutant Discharge Elimination System permit to Baltimore County (Discharge Permit No. 20-DP-3317, NPDES No. MD0068314), tentative determination to issue a National Pollutant Discharge Elimination System permit to Baltimore City (Discharge Permit No. 20-DP-3315, NPDES No. MD0068292) and tentative determination to issue a National Pollutant Discharge Elimination System permit to Montgomery County to Discharge (Discharge Permit No. 20-DP-3320, NPDES No. MD0068349) from their Large Municipal Separate Storm Sewer Systems. The attached letter covers comments on all four permits as well as the associated Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated Guidance for National Pollutant Discharge Elimination System Stormwater Permits June 2020 document.

On a related note, we are glad to see that "Evaluation of Maryland's Phase III Watershed Implementation Plan (WIP)" is specifically outlined (#37) in yesterday's press release from the Biden-Harris transition team, "*FACT SHEET: List of Agency Actions for Review*" (attached). As stormwater is an important part of the Phase III WIP, and perhaps the sector in which Maryland is struggling the most, we hope this letter will be of particular interest to you. For reference, I have also attached a zip file of previous letters coalition members and I have submitted to MDE over the last couple years that culminate in this more comprehensive letter. Also included in this zip file for reference are previous letters we sent to MDE concerning the Phase III WIP more broadly.

On behalf of the undersigned members, thank you for your time and attention. Please do not hesitate to reach out if you have any questions on any part of this letter or the previous letters attached for reference. I look forward to discussing these issues with you in more detail.

Sincerely,

Benjamin Alexandro

Water Program Director

*Pronouns: he / him / his*

Maryland League of Conservation Voters

Maryland LCV Education Fund

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